



CASE REPORT

1. Complaint reference number	433/09
2. Advertiser	Smiths Snackfoods
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Violence Cruelty to animals – section 2.2 Other - Causes alarm and distress Other - Social values
6. Date of determination	Wednesday, 11 November 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement commences with a voice over explaining how there has been a Smith's Crisps competition. The competition has reduced from 400 to 4 people and the new flavours are: Lucas - late night kebab, Alin - Caesar Salad flavour, Steve's Buttered popcorn flavour and Vinnie's BBQ Coat of Arms flavour. Vinnie is depicted cooking at a BBQ with a kangaroo and an emu at his side. People are asked to vote for their favourite flavour.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

Degrading our Coat of Arms. Please do not allow this. Many Australians have died fighting for this country under or COA and it should be illegal for anyone to use this in an advertising campaign, especially when it becomes a joke. What do we tell our children?

I strongly believe this ad breaches social values. The kangaroo and Emu, our coat of arms, should be respected and eaten. I was really upset by this ad.

1. This flippant attitude is desecrating our self respect as a nation and teaching our children to do the same.

2. Misleading impressions. Even if the product does not contain kangaroo products it gives the impression that eating kangaroo meat is safe, healthy & humane or morally ok).

3. Promoting unhealthy eating habits. For the same reason as above. Also chips are not healthy either.

4. Impressionable children who love our gentle kangaroos may believe the chips actually contain kangaroo meat and will become distressed by the ad.

5. Most importantly, they are teaching children that it's ok to belittle Australia's Coat of Arms. What ever happened to Australian values?

As a chip company, they are marketing to not only adults, but children. As parents we have instilled a respect for our unique Australian wildlife and enjoy the kangaroos which share our space. Regardless of whether any animal product is in these chips, it is glorifying the slaughter of our precious wildlife and giving children mixed messages about respect, compassion and protection of same. On one hand judges are struggling to determine a suitable sentence for a youth who shot a Roo with a bow and arrow and then images which then bombard children with an 'it's okay to kill and eat them' are on marketing mediums. To have a kangaroo and an emu on our Coat of Arms under which we're supposedly encouraged to stand proud, and then being served up in a packet is

distasteful and disturbing for my family, and I suspect many others with similar core values in Australian society. This is not a menu item in a restaurant, but a target to a mass audience including young impressionable minds by a well known brand who are well aware of their market impact.

It's tacky, tasteless and damaging to the future of our children and the country and one wonders if the Kangaroo Shooters Union have any ties to this dreadful selection.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Thank you for advising us regarding the complaints the Board has received concerning this commercial and the opportunity to respond to the Board.

The product referred to, "Vinnie's BBQ Coat of Arms" is one of the four finalist flavours in the Smith's "Do Us A Flavour" Promotion which invited consumers to suggest the next Smith's flavour and have the opportunity to win \$30,000 plus 1% of sales.

After inviting flavour ideas from the Australian public and receiving 314,529 suggestions, Smith's narrowed the field down (with the help of an expert judging panel) to the chosen four which included Lucas' Late Night Kebab, Steve's Buttered Popcorn, Aline's Caesar Salad and Vinnie's BBQ Coat of Arms. It is now in the hands of the Australian public to purchase and vote over the next eight weeks for the flavour they like the most.

This stage of the promotion is supported by television and radio campaigns both of which run from October 11 to November 7, as well as internet support (www.smiths.com.au) which includes the TV advertisement and video of the judges rationale for each of the finalists selection. Television scripts are attached and electronic material is supplied separately. In developing the commercial it was the Company's intention to entertain viewers not offend them. The advertisement in question features the 4 finalist flavours as characters in somewhat unreal scenes e.g. our Caesar Salad finalist is superimposed into a statue, our Buttered Popcorn finalist is superimposed into an unusually large bucket of popcorn. The depiction of the BBQ coat of Arms flavour is in keeping with this and features the creator Vinnie having a BBQ accompanied by a kangaroo and an emu.

As indicated in the television commercial and our website www.smiths.com.au Vinnie's BBQ Coat of Arms flavour represents a true Australian tradition - the Australian flavour of a true Aussie barbecue. Far from belittling our coat of arms, as expressed by the complainant, the kangaroo and emu joining in the BBQ is a creative way of celebrating our Australian heritage while expressing the flavour of an Aussie BBQ. Vinnie's winning hand-drawn image of a kangaroo and emu standing beside a BBQ as cooks, complete with a set of BBQ tongs suspended from the emu's mouth, (which is depicted on pack) was perceived to be original and creative execution by the panel of judges and this is clearly explained on our web site. (refer judges rationale). In all executions - advertising, internet or pack there is absolutely no depiction of violence of any kind.

The sequence depicted in the television advertising, on the internet and on pack, does not promote eating the animals in our national emblem. Vinnie is clearly enjoying a BBQ with a kangaroo and an emu, not of a kangaroo and an emu. We assure you it was certainly not intended to make any comment on kangaroo harvesting practices in Australia. We assure you that no joeys (or any other animals) were harmed in the making of the chip. The flavour does not contain any emu or kangaroo in its ingredients and is suitable for vegetarians.

We have a responsibility to ensure our advertising and promotion meets appropriate community standards and we believe that we have met those standards in this campaign. We are very familiar with the AANA Advertiser Code of Ethics and use the code in developing our advertising. We believe that the commercial also conforms to provisions 2.2 (Shall not portray or present violence), 2.4 (the AANA's Code of Advertising & Marketing to Children) and 2.8 (the AANA Food and Beverages Marketing Code).

With respect to marketing to children we can confirm that scheduling of this commercial conforms to our commitments under the AFGC Responsible Children's Marketing Initiative and does not appear in programs that are promoted for viewing by children or are likely to attract substantial numbers of children.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants' concern that the advertisement gives the wrong message to children and that it is acceptable to kill kangaroos and emus to flavour chips. Another complainant was concerned that the depiction of the Coat of Arms was degrading for native wildlife and offends the social values of those who were brought up to respect Australia's Coat of Arms.

The Board noted the advertiser's response and referred to the statement that the BBQ Coat of Arms flavour had been created by Vinnie, one of the successful competition candidates. The advertisement depicted an emu and a kangaroo joining Vinnie at a BBQ and did not indicate that the chips were in fact made with the flavouring of kangaroo or emu.

The Board considered whether the advertisement was in breach of section 2.2 of the Code and section 2.5 of the Code. Section 2.2 of the Code states:

"Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The Board agreed that the advertisement did not depict any violence towards animals or references to violence. The Board noted that the images of the kangaroo and the emu were seen joining Vinnie at the BBQ and not as the flavour of the chips. The Board noted that even if the kangaroo or emu were to be represented as part of the chips, there is no actual kangaroo or emu in the product, and in any case many Australians would accept that such animals, in particular Kangaroo commonly appears on Australian restaurant menus. The Board considered that the advertisement is not directed to young children and that in any case children are not in a position to kill such animals.

The Board noted complainants' concerns that the suggestion of BBQ Coat of Arms is disrespectful towards the National Coat of Arms. The Board considered that most members of the community would consider that the idea of Vinnie's BBQ Coat of Arms was humorous and would not see it as a suggestion that is meant to denigrate Australia. The Board considered that this component of the advertisement did not breach any part of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.